

**REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 4-7, 11-15, 21 and 26 were previously cancelled without prejudice to or disclaimer of the subject matter contained therein. Claims 1-3, 8-10, and 16-20 and 22-25, 27, and 28 are pending. Claims 8, 17 and 23 are amended. Claims 1, 17, and 23 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

***Request for Withdrawal of Finality of Last Office Action***

***Reasons for Entry of Amendments***

It is respectfully requested that the Examiner reconsider the finality of the rejection in the Office Action dated June 11, 2008. In the last Amendment filed on April 28, 2008, independent claims 1 and 17 were only amended in to overcome the rejections based on the combination of Tsergas, Yeh, and Grant.

Now, in the Office Action dated June 11, 2008, the Examiner has relied on newly cited reference, Overhues et al., in combination with Tsergas and Yeh, to formulate the rejection of independent claims 1 and 17. The Applicants' amendments to independent claims 1 and 17 in the last Amendment did not necessitate the new grounds for rejection. Accordingly, the Examiner is respectfully requested to withdraw the Finality of the Office Action dated June 11, 2008.

Moreover, it is respectfully submitted that the rejection of at least independent claim 23 is not proper and should be withdrawn. See arguments below.

By way of this Reply,

a.) independent claim 1 has been amended to include “wherein the first fixed wall is a crankshaft side wall and the second fixed wall is another side wall”,

b.) independent claim 17 has been amended to include the “an inner perimeter of the elastic member has a non-circular shape when viewed in plan view, wherein the first fixed wall is a crankshaft side wall and the second fixed wall is another side wall”,

c.) non-narrowing amendments have been made to independent claims 23 and dependent claim 8, and

d.) the specification has been amended merely to consistently recite “first gear shaft 17” and “second gear shaft 16”, and to correct minor informalities. No new matter has been added.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Reply be entered for the purpose of appeal. This Reply reduces the issues on appeal by amending claim 17 to address the issues under 35 U.S.C. § 112, second paragraph.

This Reply was not presented at an earlier date in view of the fact that the Examiner has just now presented new grounds for rejection in this Final Office Action. It is respectfully requested that the Examiner reconsider and withdraw the Finality of the Office Action dated June 11, 2008, and enter the Reply filed herewith.

JMS/CTT/vas

**Examiner Interview**

If, during further examination of the present application, any further discussion with Applicants' Representative would advance the prosecution of the present application, the Examiner is encouraged to contact Carl T. Thomsen, at (703) 208-4030 (direct line) at his convenience.

**Amendments To The Specification**

Paragraphs [0020], [0024], and [0026] have been amended merely to consistently recite "first gear shaft 17" and "second gear shaft 16", and to correct minor informalities. No new matter has been added.

**Rejection Under 35 U.S.C. § 112, second paragraph**

Claim 17-20 and 22 have been rejected under 35 U.S.C. § 112, second paragraph. This objection and rejection are respectfully traversed.

In order to overcome this rejection, Applicants have amended claim 17 to correct the deficiency specifically pointed out by the Examiner. Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**Rejections Under 35 U.S.C. § 103(a)**

Claim 23 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsergas (U.S. Patent Publication 2004/0031343) in view of Yeh et al. (U.S. Patent Publication 2002/0124673); and

claims 1-3, 8-10, 16-20, 22, 27, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsergas and Yeh et al., and further in view of Overhues et al. (U.S. Patent 5,112,178). (The Overhues et al. reference is newly cited.)

These rejections are respectfully traversed.

**Amendments to Independent Claims 1 and 17**

Independent claims 1 and 17 have been amended herein each recite a combination of elements directed to a gear transmission device, including *inter alia*

“an inner perimeter of the elastic member has a non-circular shape when viewed in plan view, wherein the first fixed wall is a crankshaft side wall and the second fixed wall is another side wall”.

See FIGS. 2 and 3, and paragraph [0024] of the specification for support.

In particular, FIG. 3 of the present application clearly illustrates wave washer (elastic member) 31 having outer perimeter 31Pout and inner perimeter 31Pin having a non-circular shape. In addition, since the first fixed wall is a crankshaft side wall and the second fixed wall is another side wall, maintenance of the regulating means can be performed easily.


**Regarding Tsergas and Yeh et al.**

On page 7 of the Office Action, the Examiner concedes that no combination of Tsergas and Yeh et al. discloses either “an inner perimeter of the elastic member has a non-circular shape when viewed in plan view”, or “the first fixed wall is a crankshaft side wall”, as set forth in each of claims 1 and 17.

**Regarding Overhues et al.**

As for newly cited reference, Overhues et al., this document merely discloses a hole 5 having a circular inner perimeter. See FIGS. 1-6. The Examiner points to groove 4 of washer 1 in Overhues et al. FIGS. 7a and 7b, and alleges that groove 4 teaches an inner perimeter of washer 1. Applicants submit that the Examiner is mistaken.

The Examiner is directed to <http://www.thefreedictionary.com/perimeter> which defines “perimeter” as follows:

**pe·rim·e·ter**  (pə-rīm'ī-tər)  
n.

1. *Mathematics*

- a. A closed curve bounding a plane area.
- b. The length of such a boundary.

2. The outer limits of an area. See Synonyms at circumference.

By contrast, Overhues et al. (column 4, lines 48-60) merely disclose a groove 4 having leaves which are symmetrically arranged about a central opening 5. In FIGS. 1, 2, and 7c, groove 4 is concentric with the central opening. Applicants respectfully submit that groove 4 is separate and distinct from the inner perimeter (boundary of plane area at opening 5) of washer 1.

Therefore, Overhues et al. cannot make up for the admitted deficiencies of Tsergas and Yeh et al.

At least for the reasons explained above, Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1 and 17 is not disclosed or made obvious by the prior art of record, including Tsergas, Yeh et al., and Overhues et al.

Therefore, independent claims 1 and 17 are in condition for allowance.

**Amendments to Independent Claim 23**

While not conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present application, non-narrowing amendments have been made to independent claim 23 in order to recite a combination of elements directed to a gear transmission device, including *inter alia*

“a plane washer disposed directly around the first gear shaft, the plane washer having a first side with an inner surface portion directly facing a second surface of the elastic member, and an outer surface portion disposed radially outward with respect to the inner surface portion and directly facing an end of the cylinder portion”, and

“when the elastic member is in a compressed state, only the outer surface portion of the plane washer is able to contact the end of the cylinder portion”.

See FIG. 2 for support, which clearly illustrates

“a plane washer (33) disposed directly around the first gear shaft (17), the plane washer (33) having a first side with an inner surface portion (33i) directly facing a second

surface (31b) of the elastic member (31), and an outer surface portion (33o) disposed radially outward with respect to the inner surface portion (33i) and directly facing an end (30e) of the cylinder portion (30)", and

"when the elastic member (31) is in a compressed state, only the outer surface portion (33o) of the plane washer (33) is able to contact the end (30e) of the cylinder portion (30)".

By contrast, Yeh et al. merely disclose a coil spring 5 fitting in a groove 42, and the plane washer 7 contacting second gear 4 on BOTH sides of the coil spring 5.

At least for the reasons explained above, Applicants respectfully submit that the combination of elements as set forth in independent claim 23 is not disclosed or made obvious by the prior art of record, including Tsergas, and Yeh et al.

Therefore, independent claim 23 is in condition for allowance.

#### **Dependent Claims**

The Examiner will note that dependent claim 8 has been amended.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are respectfully requested.

All pending claims are now in condition for allowance.

**CONCLUSION**

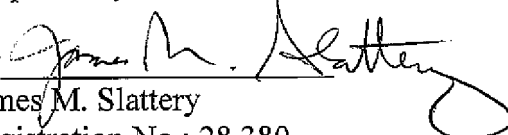
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen, (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Dated: September 5, 2008

Respectfully submitted,

By   
James M. Slattery  
Registration No.: 28,380  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P. O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000  
Attorney for Applicant